

Remarks

With this amendment, claims 8 and 19 are cancelled. Claims 1, 16, and 21 are amended. No new subject matter is added. Claims 1-7, 9-15, and 17-21 remain pending. Reconsideration and allowance of the pending claims is requested in light of the following remarks.

Allowable Subject Matter

Claims 9-15 are allowed. The OA withdrew the allowability of claims 1-7 and 16-21 in favor of a new ground of rejection.

Claim 8 is objected to as being independent upon a rejected base claim, but is otherwise indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In keeping with this suggestion, claim 1 is amended to incorporate the features of claim 8. Claims 8 is cancelled. Consequently, claims 1-7 are in condition for allowance.

Specification

The specification is amended to add support for the subject matter contained in claim 21. The amendment is fully supported by the original application at, e.g., claim 21.

Claim Objections

Claim 21 is amended in the manner suggested by the OA to avoid a rejection under 35 U.S.C. 101.

Claim Rejections – 35 USC §102

Claims 1-5 and 16-21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 2003/0128668 issued to Yavatkar et al. ("Yavatkar"). The applicant respectfully disagrees.

As explained above, claim 1 is amended to include the features of claim 8, which were indicated to be allowable. Consequently, for at least that reason, claim 1 is not anticipated by Yavatkar. Claims 2-5 are not anticipated by Yavatkar because they inherently contain the features of claim 1.

Claim 16 is amended to incorporate the features of claim 19, and claim 19 is cancelled. Thus, the amendment to claim 16 is not one that necessitates a new grounds of rejection to claim 16. Amended claim 16 recites running one operating system on the forwarding element and running a different operating system on the control element, a feature that is believed to be substantially similar to allowable features found in amended claim 1 and claim 9. Even if the forwarding and control processors are capable of running their protocols independently as suggested by the OA at page 5, this is not the same as running one operating system on the forwarding element and a different operating system on the control element as required by claim 9.

For at least this reason, Yavatkar fails to anticipate claim 16 because it does not show the identical invention in as complete detail as contained in the claim. MPEP 2131. Claims 17-18 and 20-21 are not anticipated by Yavatkar at least because these claims inherently contain the features of claim 16.

Claim Rejections – 35 USC §103

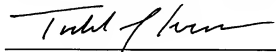
Claims 6-7 are rejected under 35 USC §103(a) as being unpatentable over Yavatkar, in view of "Software API framework implementation agreement-IDS record" edited by Putzolu ("Putzolu"). The applicant respectfully disagrees. Claims 6-7 are allowable at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Conclusion

For the foregoing reasons, reconsideration and allowance of the pending claims is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read "Todd J. Iverson", is written over a horizontal line.

Todd J. Iverson
Reg. No. 53,057

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 32231